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OFFICE OF PETITIONS

In re Application of
Mathew Davis Gard
Application No. 09/227,490
Filed: January 6, 1999
Attorney Docket No. 35684.0101(P)

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 1, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

The above-identified application became abandoned for failure submit the issue fee and formal drawings in a timely manner in reply to the Notice of Allowance/Notice of Allowability mailed December 1, 2003, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned after midnight March 1, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

The issue fee has been received. However, there is no indication that corrected formal drawings as required by the Notice of Allowability of December 1, 2003 have been submitted. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

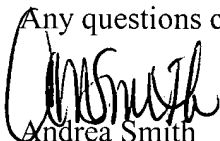
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Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions
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